

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	: 05 CV 7583 (WHP)
	: ECF case
SMITH BARNEY FUND TRANSFER AGENT	:
LITIGATION	:
	:
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**NOTICE OF MOTION OF DEFENDANTS SMITH BARNEY FUND MANAGEMENT
LLC, CITIGROUP GLOBAL MARKETS, INC., THOMAS JONES, AND LEWIS
DAIDONE TO DISMISS THE CONSOLIDATED AND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that defendants Smith Barney Fund Management LLC, Citigroup Global Markets, Inc., Thomas Jones, and Lewis Daidone shall move this Court before the Honorable William H. Pauley, in Courtroom 11D of the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY 10007, on January 19, 2007, at 11:00 a.m. or as soon thereafter as counsel may be heard, for an order dismissing the Consolidated and Amended Complaint in its entirety as against all defendants.

This motion is made pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §§ 78u-4 *et seq.*, and is based on the points and authorities set forth in the accompanying Memorandum of Law in Support of Motion to Dismiss the Consolidated and Amended Complaint by Defendants Smith Barney Fund Management LLC, Citigroup Global Markets, Inc., Thomas Jones, and Lewis Daidone, and the accompanying Declaration of John Rothermich and the exhibits attached thereto.

Dated: October 3, 2006

Respectfully submitted,

s/

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CERTIFICATE OF SERVICE

I, John Rothermich, hereby certify that on October 3, 2006, I served counsel on the attached service list, via electronic mail and by United Parcel Service, with true and correct copies of the following:

(I) Notice of Motion of Defendants Smith Barney Fund Management LLC, Citigroup Global Markets, Inc., Thomas Jones, and Lewis Daidone to Dismiss the Consolidated and Amended Complaint;

(II) Memorandum of Law in Support of Motion to Dismiss the Consolidated and Amended Complaint by Defendants Smith Barney Fund Management LLC, Citigroup Global Markets, Inc., Thomas Jones and Lewis Daidone; and

(III) Declaration of John Rothermich in Support of Motion to Dismiss the Consolidated and Amended Complaint by Defendants Smith Barney Fund Management LLC, Citigroup Global Markets, Inc., Thomas Jones and Lewis Daidone and attached Exhibits A-H.

Dated: New York, New York
October 3, 2006

Respectfully submitted,

By 

John Rothermich (JR-8594)

**In re Smith Barney Fund Transfer Agent Litigation ,
05 CV 7583 (WHP)**

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